



Office of the Staff Judge Advocate LEGAL SERVICES U.S. Army Japan and I Corps (Fwd)

AUGUST 2010

Newsletter

Winner of the Army Chief of Staff Award for Excellence in Legal Assistance!

The Camp Zama Legal Assistance Office has been selected as a winner of the 2009 Army Chief of Staff Award for Excellence in Legal Assistance for the third consecutive year! This award recognizes the many great services the Legal Assistance personnel provide every day to Servicemembers, DOD civilians, dependents, retirees, and other members of the Camp Zama community.

The criteria for nominees, according to COL Richard J. Galvin, Camp Zama SJA, include: quality of legal assistance, preventive law programs, responsiveness to clients, professionalism, and innovations. New programs initiated during the past year by the Legal Assistance Office include the semi-annual visit by immigration personnel from the U.S. Embassy in Tokyo to Camp Zama and the satellite tax return preparation services provided not only at AAFES, but also for the faculty and staff at Arnn Elementary School and for personnel working

at Sagami General Depot as well.

Another way the Camp Zama Legal Assistance office goes the extra mile in helping clients is by making available the services of a Japanese law firm. The Legal Assistance Office has contracted with a law firm in Tokyo to provide legal services to eligible ID card holders in the Camp Zama community. These Japanese lawyers make regular visits, generally on Tuesday morning, three Tuesdays each month, to the Legal Assistance Office to meet with clients to answer questions and assist with Japanese legal issues. Common issues that they handle include family law matters, immigration questions, real property issues, inheritance tax matters, and personal injury and insurance questions.

“Congratulations to all the SJA staff and management, specifically our folks in the Legal Assistance Office,” says COL Galvin.

Immigration of Non-U.S. Citizen Spouse

In order to bring a non-US citizen spouse into the United States, two things are required: an approved petition for permanent residency and an immigrant visa. As long as the US citizen spouse has resided in Japan for the last 6 months, the US Embassy in Tokyo, Japan can process the permanent resident petition and immigrant visa.

The first required step is completing Form I-130 – Petition for Alien Relative and the related paperwork. A complete checklist of required documents is available on the US Embassy Japan website at <http://tokyo.usembassy.gov/e/visa/tvisa-ivil30check.html>.

The next step is to schedule an I-130 appointment at the US Embassy in Tokyo; appointments can be scheduled online. Hand-carry the I-130 petition and related paperwork to the appointment.

The US Embassy will review the documents and request any additional information that is needed. In some instances, additional appointments are necessary. Once the US Embassy has the information it needs, the petition is processed.

After approval of the I-130, a final interview is scheduled for the immigrant visa. With the approved I-130 petition and immigrant visa, the immigrant spouse is free to enter the United States. Upon entry to the United States, the immigrant spouse must get a Permanent Resident card issued by US Citizenship and Immigration Services.

While the process is simple, it can take several months to complete, so it is best to start the process early to avoid possible separation during a PCS.

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If you have any
questions, comments,
or suggestions, please
contact the Legal
Assistance Office at
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Making an Article-139 Claim

The Article 139 claim is little known, but is a claim that can be made by one whose property has been willfully damaged or taken. This provision in the Uniform Code of Military Justice allows the victim a monetary compensation via deduction of the damaged or stolen amount from the perpetrator's pay. Willful damage is damage inflicted intentionally, knowingly, and purposefully without justifiable excuse. This is distinguished from damage caused inadvertently, thoughtlessly or negligently. Wrongfully taken is any unauthorized taking or withholding of property, with the intent to deprive, temporarily or permanently, the owner or person lawfully in possession of the property.

Claims cannot be filed against acts that were accidental or legally authorized. Article 139 extends to cover only damages of property and not personal injury. In the case of one of the mentioned incidents, the claim must be filed within 90 days or risk having the claim denied.

To begin the compensation process, the victim must submit a written letter to the perpetrator's supervisor detailing the specifics of the incident, including the name of the perpetrator, how the incident occurred, and the total cost of damage. Any existing witnesses should be mentioned and are encouraged to also submit their written accounts, or at the least, leave their name and contact information.

More information and details of the Article 139 claim can be found in AR-27-20, Chapter 9; claims can be made at the Camp Zama Claims Office.

What is a Koseki?

Kosekis, which come in two forms - a koseki tohon and koseki shohon - are essentially family registries of a Japanese citizen that are required by Japanese law. A koseki tohon, which contains not just an individual's information but also information regarding his or her family, typically is used to report births, adoptions, deaths, marriages and divorces. Koseki shohons, in contrast, are focused more on the individuals who possesses them.

Kosekis are important, for example, when a U.S. service member or citizen marries a Japanese citizen. If the Japanese spouse intends to keep her Japanese citizenship and not apply for US citizenship and particularly if Japanese citizenship is sought for any children, updating and properly recording the marriage and births in the Japanese citizen's koseki is vital. Since kosekis are strongly associated with Japanese citizenship, any non-Japanese citizen may be listed in a koseki but will not be listed in the same way as a Japanese citizen would.

Kosekis should not be confused with a jūminhyō, however. A jūminhyō is a document confirming that a Japanese citizen has registered their current address with a local government office. Japanese law requires Japanese citizens to report their current address to local authorities in order to obtain a copy of their jūminhyō, which is used for tax, national health insurance, and census purposes.